



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
152 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0152



MICHAEL P. CANTARA
COMMISSIONER

JAY BRADSHAW
DIRECTOR

BOARD OF EMS MEETING
DECEMBER 6, 2006
9:30 AM
DECHAMPLAIN CONFERENCE ROOM

MINUTES (FINAL)

Members: Steve Leach, Chair; Wayne Werts, Chair-elect; Bob Ashby, Tim Beals, Oden Cassidy, Rebecca Chagrasulis, Joe Conley, Richard Doughty, Ron Jones, Penny Kneeland, Paul Knowlton, Jim McKenney, Bill Montejo, Carol Pillsbury, Steve Diaz (ex-officio)

Staff: Jay Bradshaw, Dawn Kinney, Scott Smith, Drexell White, Ben Woodard

Attorney General's Office: Laura Yustak Smith, AAG

Regional Coordinators: Donnie Carroll, Joanne LeBrun, Rick Petrie, Bill Zito

Guests: Dan Batsie, Brian Chamberlin

1. Introductions – None necessary
2. Approval of the November 1, 2006, Board meeting minutes.

MOTION: To accept the minutes of the November 1, 2006, Board meeting as corrected. (Kneeland; second by Beals). Unanimous.

3. New Business
 - a. Committee Reports
 - i. Operations Team: Bill Zito reported that the previous day, the Operations Team met with Tom Judge to learn about the Human Patient Simulator training project and discuss how the mobile training van was scheduled and made available to EMS providers. Currently in order for EMS providers to register for HPS training, the provider must call LifeFlight of Maine; however, they are working to implement online scheduling for providers in the coming months. Other topics discussed by the Ops Team included: extension of the state contract for discounted AED purchases, PIFT, and Fire/EMS Day at the Legislature (scheduled for 1/18/07).

- ii. Education Committee: Dan reported that the Education Committee held a special meeting on November 27, to review and finalize the PIFT instructor requirements and update the PIFT material as requested by the Board. PIFT instructor classes are planned in several regions over the next couple of months with Dan and Scott Smith being actively involved. Discussion took place on dates for implementation and grandfathering those who have had one of the earlier versions of PIFT.

MOTION: To approved the new PIFT program to begin on January 1, 2007, and to establish July 1, 2007, as the deadline for paramedics to complete the new program in order to provide PIFT treatment and services. (Werts; second by Beals) Unanimous.

- iii. Exam Committee: Drexell reported that the Exam Committee did not meet in November. At its December meeting, the Committee will be reviewing and updating ALS skill sheets. Final approval for Pearson-Vue computer based testing (CBT) sites in Fairfield, Machias, and Presque Isle are taking place in preparation for the 1/1/07 NREMT conversion to CBT. The National Registry will be conducting a presentation on NERMT paramedic testing at Maine EMS on Friday, January 19. Those interested in attending are asked to RSVP Drexell White ASAP.
- iv. EMD Committee: Drexell reported that there has been considerable confusion about what CPR courses are required for EMD certification. Initially, the Board had stated the requirement was AHA Healthcare Provider, or equivalent. However, the current national programs only require AHA HeartSaver, or equivalent. The recommendation of the EMD Committee is that for the initial certification phases that the HeartSaver program be accepted.

MOTION: To accept AHA HeartSaver courses for EMD certification until July 1, 2007. Applications after that date will need to include verification of Healthcare provider level courses. (Chagrasulis; second by Ashby). Unanimous.

- v. Quality Improvement Committee: no meeting held in November, next meeting will be December 20, 2006.
- vi. Investigation Committee Action Items (items reported together for reference purposes; however, they were actually discussed in a different order during the meeting)
 - 1. Andrew Higbie appeal of license application denial. Mr. Higbie and his attorney, Robert Sandy, joined the Board meeting at this point to discuss the appeal of MEMS staff decision to deny Mr. Higbie's license application based upon his failure to resolve a previous investigation regarding his pointing a firearm with a laser scope at a law enforcement officer. Laura Yustak Smith distributed and reviewed a draft consent agreement she and Mr. Sandy discussed as directed by the Board at its November meeting. Issues of particular interest to the Board were the term of the consent agreement and an independent psychological evaluation of Mr. Higbie. It was agreed that the evaluation previously provided to the Board was not a comprehensive forensic evaluation. Mr. Sandy indicated that Mr. Higbie would willingly comply with whatever terms the Board established.

MOTION: To approve a consent agreement in the matter of Andrew Higbie for a term of 6 years provided an appropriate evaluation be received from a forensic psychologist identified and approved by MEMS. (Montejo; second by Kneeland). Passed with one opposed (Werts).

MOTION: To enter executive session pursuant to 32 M.R.S.A. §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of reviewing pending investigation #06-13 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned investigation. (Doughty; second by Pillsbury) Unanimous

Executive session started at 1:45PM

MOTION: To exit executive session (Werts; second by Jones) Unanimous

Executive session ended at 2:44PM.

Steve Leach reported that in executive session, the Board had discussed case # 06-13 and terms of a consent agreement.

MOTION: To amend the draft consent agreement in case # 06-13 to include a \$500 fine per violation, a 45 day license suspension, a forensic psychological evaluation, and a letter of reprimand (Montejo; second by McKenney) Passed 8/3.

MOTION: If subject of investigation #06-13 does not comply with the terms of the consent agreement, the license application is to be denied. (Montejo; second by McKenney) Passed with 9 in favor, 1 opposed, and 1 abstained.

MOTION: Previously requested action on case # 04-39 is no longer necessary as a result of information obtained by MEMS staff. (Doughty; second by Montejo) Unanimous.

MOTION: To ratify the Investigation Committee minutes of November 16, 2006 (Ashby; second by Knowlton) Unanimous.

- b. Waiver request – Brent Watson. Scott Smith presented the waiver request from Mr. Watson to relicense using continuing education credits in spite of the fact that his EMT-I license expired more than 3 years ago. Prior to the Board's discussion, Penny Kneeland explained that she knew Mr. Watson who is an emergency nurse and had previously discussed this matter with him. As a result, she recused herself from the Board's discussion/action on this matter.

In reviewing the waiver requirements, consensus of the Board was: 1) he did take reasonable steps to comply with the rules, 2) that he was not given inaccurate information by MEMS, 3) that it was undetermined whether there would be significant injury or harm if the rule were not waived, 4) that as a result of his extensive nursing and EMS experience, waiving this rule would not pose a health or safety risk to the public, and 5) that a waiver in this case would not establish a precedence that would hinder the Board or MEMS in administration of the MEMS system.

MOTION: Brent Watson is granted a waiver of MEMS Rules Chapter 5 § 4.5 (B)(1) in order to avert significant injustice in requiring a well-qualified individual who is an active ski patrol, emergency department nurse, and who has the support of the regional medical director to relicense using continuing education credits. Mr. Watson is encouraged to complete the advanced airway program as soon as possible. (Chagrasulis; second by Doughty) Passed 9/3.

c. Other

- i. Wayne directed the Board's attention to a letter sent by Commissioner Cantara to the chairs of the Joint Standing Committee on Criminal Justice & Public Safety regarding SBI background checks. Jay added that there will likely be a Department bill to reinstate the Board's ability to conduct SBI checks on relicense applications.
- ii. Public comments. Steve asked if there were members of the public who wanted to provide any comments to the Board at this point. Rick Petrie raised a licensing question; however, it was recommended that this matter be discussed with MEMS staff for resolution.

4. Old Business

- a. Board By-Laws & Code of Ethics: Several edits and changes were made to the draft developed by the Board sub-committee. Laura will research the matter of Board members recusing themselves or being removed from discussion and action on matters where deemed necessary and appropriate. The draft will be updated to reflect the consensus of the Board with discussion/action continued to next month.
- b. Report from meeting with KVCC – Steve indicated that the meeting is scheduled for December 11. If the meeting goes as planned, he will provide an update at the January meeting.

5. Staff Reports

- a. Maine EMS
 - i. Licensing Agent position: Jay reported that Alan Leo has been hired as the new EMS Licensing Agent and will begin on December 18. Alan has been actively involved with EMS for almost 25 years with Thomaston Fire and Mid Coast EMS.
 - ii. MEMSRR update: Ben provided an update about the electronic run reporting project. He continues to meet with interested services and hospitals. Several services are planning to begin e-run reporting on 1/1/07. Web hosting services are now being provided by ImageTrend instead of MEMS. An increase in the charges levied by the Office of Information Technology makes it less expensive to use ImageTrend than to use the MEMS servers purchased for this purpose.
 - iii. Inspection Update: Dawn reported that with a new licensing agent starting in a few weeks, inspections will hopefully get caught up in the very near future. There have been no significant issues found during recent inspections.

- iv. Other: Jay reported that the Maine Fire Commission has reserved the Hall of Flags on Thursday, January 18, and invited MEMS and the regional offices to participate. More details will be forthcoming.

b. Medical Director Report

- i. Dr. Diaz reported that at the November MDPB meeting there was continued discussion on paramedics providing influenza vaccines. Dr. Busko has taken the lead to assemble material to inform paramedics on the record keeping process. Maine CDC is the lead agency regarding acquiring, storage, and other issues regarding the vaccine. Other action items were: the approval of Rockland Fire Dept's request to use CO oximeters, provided they were not used for diagnostic or treatment purposes; and an update on the Online Medical Director Program. Protocol reviews will commence in December and continue for the next several months.

6. Other – none at this time.

Meeting adjourned at 2:53PM.

Next meeting will be Wednesday, January 3, 2007, 9:30 – 2:00 at Maine EMS.